

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is requested. After entry of this Reply, claims 14-17, 19 and 22-28 are pending in the application. Claims 14 and 24 have been amended and claim 18 has been canceled. This response is being submitted with a petition pursuant to 37 C.F.R. 1.136(a) for a three-month extension of time to reply to the Official Action.

In the office action dated June 19, 2008, the Examiner rejects claim 14-18, 22-23 and 27 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. U.S. 4,552,909, to Czerwinski et al (hereinafter "Czerwinski") as evidenced by Hawley's article on Polyvinyl Acetate (hereinafter "Article") and U.S. Patent Publication No. 2007/0134408 to Skoog et al. (hereinafter "Skoog"). The Examiner rejects claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Czerwinski in view U.S. Patent No. 4,882,373 to Moran ("Moran"). The Examiner also rejects claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Czerwinski in view of Küchler et al., claims 25-26 under 35 U.S.C. § 103(a) as being unpatentable over Czerwinski in view of Toyota and claim 28 under 35 U.S.C. § 103(a) as being unpatentable over Czerwinski .

Claim Rejections- 35 U.S.C. § 102

In the Office Action, the Examiner maintains the rejection of claims 14-18, 22-23 27 under 35 U.S.C. §102(b) over Czerwinski as evidenced by Hawley's article on Polyvinyl Acetate and U.S. Patent Publication No. 2007/0134408 to Skoog.

Applicants respectfully traverse the rejection.

"To anticipate a claim, the reference must teach every element of the claim." MPEP § 2131. The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their

broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." MPEP § 2111 (citing *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004)).

As previously submitted, Applicants contend that the Examiner has not met his burden to show inherency. Accordingly, the burden does not shift to Applicants to show unobvious difference. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Also, "[a]n invitation to investigate is not an inherent disclosure" where a prior art reference "discloses no more than a broad genus of potential applications of its discoveries." (MPEP §2112, IV, ¶2).

To further define the scope of the pending claim set, Applicants have amended claims 14 and 24 to delete "polyolefins", "polyvinyl esters", and "ethylene/vinyl acetate copolymers" from the group of which the polymer "*consists of*". Additionally, pending claim 18 (referring to polyvinyl acetate) has been canceled. Applicants will pursue the deleted subject matter by a divisional application.

Applicants respectfully request the rejection under 35 U.S.C. § 102 be withdrawn.

Claim Rejections- 35 U.S.C. § 103

The Examiner rejects claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Czerwinski in view U.S. Patent No. 4,882, 373 to Moran. The Examiner also rejects claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Czerwinski in view of Küchler et al.,

claims 25-26 under 35 U.S.C. § 103(a) as being unpatentable over Czerwinski in view of Toyota and claim 28 under 35 U.S.C. § 103(a) as being unpatentable over Czerwinski.

A rejection under §103 requires a showing of all of the following: 1) there must be some suggestion or motivation to modify or combine the references as suggested by the Examiner (it is not sufficient to say that the cited reference can be modified or combined without a teaching in the prior art to suggest the desirability of the modification; 2) there must also be a reasonable expectation of success; and 3) the references must teach or suggest all limitations of the claims. The teaching or suggestion to combine or modify the applied art and the reasonable expectation of success must both be found in the prior art and not in applicant's specification (MPEP § 2143).

Applicants submit that based on the amendments to independent claims 14 and 24 from which claims 19, 25-26 and 28 (directly or indirectly) depend, claims 19, 24-26 and 28 are rendered non-obvious and are allowable subject matter.

Applicants respectfully request the rejection under 35 U.S.C. § 103 be withdrawn.

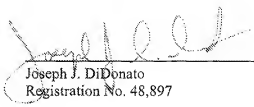
CONCLUSION

Applicants believe the foregoing is a full and complete response to the pending Office Action, and thus respectfully requests allowance of the pending claims. The Examiner is invited to call the undersigned to advance prosecution of this application.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 02-2555.

Respectfully submitted,

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